



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
SB2300

Introduced 1/28/2004, by Edward Petka

SYNOPSIS AS INTRODUCED:

40 ILCS 5/16-143

from Ch. 108 1/2, par. 16-143

Amends the Downstate Teachers Article of the Illinois Pension Code. Provides that remarriage of a surviving spouse prior to attainment of age 55 does not terminate his or her survivors' benefits, regardless of when the remarriage occurred. Provides that the surviving spouse shall be entitled to receive survivors' benefits that become payable after making application to the System, but shall not be entitled to receive any survivors's benefits for periods prior to the date that the application was received by the System. Effective immediately.

LRB093 19733 LRD 45474 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Section 16-143 as follows:

6 (40 ILCS 5/16-143) (from Ch. 108 1/2, par. 16-143)

7 Sec. 16-143. Survivors' benefits - other conditions and
8 limitations. The benefits provided under Sections 16-141 and
9 16-142, shall be subject to the following further conditions
10 and limitations:

11 (1) The period during which a member was in receipt of a
12 disability or occupational disability benefit shall be
13 considered as creditable service at the annual salary rate on
14 which the member last made contributions.

15 (2) All service prior to July 24, 1959, for which
16 creditable service is granted towards a retirement annuity
17 shall be considered as creditable service.

18 (3) No benefits shall be payable unless a member, or a
19 disabled member, returning to service, has made contributions
20 to the system for at least one month after July 24, 1959,
21 except that an annuitant must have contributed to the system
22 for at least 1 year of creditable service after July 24, 1959.

23 (4) Creditable service under the State Employees'
24 Retirement System of Illinois, the State Universities
25 Retirement System and the Public School Teachers' Pension and
26 Retirement Fund of Chicago shall be considered in determining
27 whether the member has met the creditable service requirement.

28 (5) If an eligible beneficiary qualifies for a survivors'
29 benefit because of pension credits established by the
30 participant or annuitant in another system covered by Article
31 20, and the combined survivors' benefits exceed the highest
32 survivors' benefit payable by either system based upon the

1 combined pension credits, the survivors' benefit payable by
2 this system shall be reduced to that amount which when added to
3 the survivors' benefit payable by the other system would equal
4 this highest survivors' benefit. If the other system has a
5 similar provision for adjustment of the survivors' benefit, the
6 respective proportional survivors' benefits shall be reduced
7 proportionately according to the ratio which the amount of each
8 proportional survivors' benefit bears to the aggregate of all
9 proportional survivors' benefits. If a survivors' benefit is
10 payable by another system covered by Article 20, and the
11 survivor elects to waive the monthly survivors' benefit and
12 accept a lump sum payment or death benefit in lieu of the
13 monthly survivors' benefit, this system shall, for the purpose
14 of adjusting the monthly survivors' benefit under this
15 paragraph, assume that the survivor had been entitled to a
16 monthly survivors' benefit which, in accordance with actuarial
17 tables of this system, is the actuarial equivalent of the
18 amount of the lump sum payment or death benefit.

19 (6) Beginning on the effective date of this amendatory Act
20 of the 93rd General Assembly, the remarriage of a surviving
21 spouse prior to attainment of age 55 does not terminate his or
22 her survivors' benefits, regardless of when the remarriage
23 occurred. A surviving spouse who remarried prior to attainment
24 of age 55 and before July 6, 2000, may begin receiving
25 survivors' benefits prospectively upon making application for
26 renewal of survivors' benefits to the System in writing. The
27 surviving spouse shall be entitled to receive survivors'
28 benefits that become payable after the application for renewal
29 of survivors' benefits is received by the System, but shall not
30 be entitled to receive any survivors' benefits for periods
31 prior to the date that the application for renewal of
32 survivors' benefits was received by the System. Remarriage of a
33 surviving spouse prior to attainment of age 55 that occurs
34 before the effective date of this amendatory Act of the 91st
35 General Assembly shall terminate his or her survivors'
36 benefits.

1 The change made to this item (6) by this amendatory Act of
2 the 93rd ~~91st~~ General Assembly applies without regard to
3 whether the deceased member or annuitant was in service on or
4 after the effective date of this amendatory Act of the 93rd
5 ~~91st~~ General Assembly.

6 (7) The benefits payable to an eligible child shall
7 terminate when the eligible child marries, dies, or attains age
8 18 (age 22 if a full-time student); except that benefits
9 payable to a dependent disabled eligible child shall terminate
10 only when the eligible child dies or ceases to be disabled.

11 (Source: P.A. 90-448, eff. 8-16-97; 91-887, eff. 7-6-00.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.